IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 6451 of 1995

Between:

Town Consumers Council, Amalapuram, a registered Society No.141/92, rep. by its Vice-President K.V. Ramana, S/o late Satyanarayana, Amalapuram, East Godavari District.

..... PETITIONER

AND

1 The A.P. State Electricity Board, rep. by its Chairman Vidyut Soudha, Khairatabad, Hyderabad.
2 The Superintending Engineer (Operation), Andhra Pradesh State Electricity Board, Near Kambala Tank, Rajahmundry, East Godavari District.
3 The Divisional Engineer (Operation), Andhra Pradesh State Electricity Board, Amalapuram, East Godavari District.
4 Sri Bandaru Satyananda Rao, M.L.A., Kothapet Constituency Kothapeta, East Godavari District.
5 Ganisetty Rama Rao
(R-5 is impleaded as per court order dated 21-7-1995 in W.P.M.P. No. 9639 of 1995) **.....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records in Proceedings dated 3-4-1995 on the file of the Superintending Engineer (Operation),A.P.S.E.B., Rajahmundry treating the shifting of the Divisional Engineer's Office, A.P.S.E.B., from Kothapeta to Amalapuram, as void and to quash the same by issuing a writ of certiorari or any other appropriate writ or direction.

For the Petitioner: MR. D. KRISHNA MURTHY, Advocate

For the Respondent Nos.1 to 3: Smt. M. Vinobha Devi, SC for APSEB

For the Respondent No.4: None appeared
For the Respondent No.5: Mr. M. Lakshmana Sarma, Advocate

The Court made the following :

ORDER:

In this writ petition, the petitioner, in effect, seeks to quash the proceedings, dated 03-04-1995 issued by the second respondent-Superintending Engineer (Operation), Andhra Pradesh State Electricity Board (for short "APSEB"), Rajahmundry, treating the orders issued earlier in shifting the Divisional Engineer's Office, Kothapeta to Amalapuram as void.

It is submitted that the Operation Division Office, APSEB, Kothapeta in East Godavari District was established in the year 1973 with a jurisdiction of 24 Mandals. Thereafter, 8 Mandals thereof have gone under the control of newly formed operation Division at Ramachandrapuram. Except three, the remaining 16 Mandals are spread over to Amalapuram, Mummidivaram and Razole Mandals. It is also submitted that as per the standards and norms of the APSEB, the operation Division should function at a place where 132 K.V. Sub-station is located, under the control of Divisional Electrical Engineer. It is further submitted that keeping in view the norms in vogue and considering the request made by the petitioner-society through a representation dated
13-6-1992, and having regard to the fact that Amalapuram is centrally located place with 132 K.V. Sub-station having maximum H.T. and L.T. consumers around it, the Operation Division of Kothapeta was shifted to Amalapuram as per the sanction orders issued by the APSEB, dated
30-9-1992 in B.P. (P&G-Per) Ms.No.385 (Personnel services), and housed in its own building and started functioning there from 25-3-1995.

The petitioner submits that owing to the political pressure from the fourth respondent-M.L.A., the second respondent-Superintending Engineer, without assigning any reasons, issued the impugned proceedings, instructing the third respondent herein to operate the said Office at Kothapeta and thereby rendering the orders issued earlier in shifting the Divisional Engineer's Office, Kothapeta to Amalapuram, void. Assailing the impugned orders as illegal, the present writ petition is filed.

At the time of admission of the writ petition, interim order was passed to suspend the impugned proceedings, and the same is continuing till date.

When the matter came up today, the learned Standing Counsel for the APSEB submits that the APSEB has no objection to continue the Divisional Engineer's Office at Amalapuram as is now working thereat.

Recording the above statement of the Standing Counsel for APSEB, the writ petition is closed. No costs.

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N.V. RAMANA, J

Date: 26-08-2004

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To

1 The Chairman, A.P. State Electricity Board, Vidyut Soudha, Khairatabad, Hyderabad.
2 The Superintending Engineer (Operation), Andhra Pradesh State Electricity Board, Near Kambala Tank, Rajahmundry, East Godavari District.
3 The Divisional Engineer (Operation), Andhra Pradesh

State Electricity Board, Amalapuram, East Godavari District.

4 Two CD copies.